



AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
 - Duly Advertised

PURPOSE OF ITEM:

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
 - Introduction Resolution
 - Ordinance Grant/MOU
 - By Motion Bylaws
 - Certificate

PRESENTER: G.M. Foreman

PRESENTER TITLE: Mayor

AGENDA ITEM: Potomac Landfill Options for Continued Operation

BACKGROUND / SUMMARY:

On August 21, 2012 Dennis Leake from Potomac Landfill presented to Council two choices for continued operation.

1. Current operations in accordance with Circuit Court of PWC VA Stipulation and Order dtd December 22, 1987
2. Allow for Vertical Expansion

ATTACHMENTS:

1. Letter from John H. Foote dtd July 23, 2012
2. Potomac Landfill Concept for Vertical Expansion dtd August 21, 2012
3. Potomac Landfill Map provided August 23, 2012

REQUESTED ACTION:

NO ACTION REQUESTED

Council discuss concerns and provide questions to Town Staff regarding operation of Potomac Landfill.

Staff Direction: Record Council questions, coupled with concerns / questions from citizens during Public Hearing scheduled for September 10, 2012. Responses will be basis for agenda top on September 18, 2012 Town Council Work session.

FOR MORE INFORMATION, CONTACT:

Name:

Phone#:

E-mail:

FOR USE DURING MEETING

VOTE:

PASSED

NOT PASSED

Y	N		Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Brewer	<input type="checkbox"/>	<input type="checkbox"/>	Foreman	<input type="checkbox"/>	<input type="checkbox"/>	Forrester
<input type="checkbox"/>	<input type="checkbox"/>	Praino	<input type="checkbox"/>	<input type="checkbox"/>	Reynolds	<input type="checkbox"/>	<input type="checkbox"/>	Toney
<input type="checkbox"/>	<input type="checkbox"/>	Washington						



WALSH COLUCCO
LUBBELLY EMRICH
& WALSH PC

John H. Foote
(703) 680-4664 Ext. 5114
jfoote@pw.thelandlawyers.com
Fax: (703) 680-2161

July 23, 2012

Mr. Daniel Taber
Town Manager
Town of Dumfries
101 South Main Street
Dumfries, Virginia 22026

Re: Potomac Landfill Expansion

Dear Dan:

As you know, this firm represents Potomac Landfill, Inc., in connection with aspects of its operations in the Town. Over the past several months, PLI has broached with the Town its expansion plans, within the limits of the authority to expand that it possesses as a consequence of the 1987 Stipulation and Order, and pursuant to Virginia law and regulations of the Department of Environmental Quality. As you also know, Ms. Sanders and I had a long and cordial meeting regarding these issues in early May of this year and I am sure that the Town was ably briefed. I know, too, that you have spoken directly with Mr. Leake.

PLI has essentially two options for continuation of its operations. It may expand outwards, or it may expand upwards. PLI believes that there are compelling reasons the Town should prefer upward expansion, not the least of which is that it promises successful closure of the operation in a decidedly shorter time, with concomitant additional benefits.

As I have discussed with Ms. Sanders, PLI does not believe that the current limitation is an operational restriction, but rather a requirement for ultimate closure. As we have reported, if the Town agrees to an expansion upwards, then the area presently used for landfill operations would be closed and would not be available for future development. Such an upward expansion would, however, mean that presently undisturbed area within the confines of the Stipulation and Order could be developed for alternative uses. While there are as yet no plans for development, and it could be a number of years before redevelopment occurs, such an upward expansion would create the ability to provide a desirable mixed use development on the undisturbed land. If the Landfill were required to expand laterally, this could not occur.

PHONE 703 680 4664 • FAX 703 680 6067 • WWW.THELANDLAWYERS.COM
4310 PRINCE WILLIAM PARKWAY, SUITE 300 • PRINCE WILLIAM, VA 22192

ARLINGTON OFFICE 703 528 4700 • ROANOKE OFFICE 703 757 3633

ATTORNEYS AT LAW

Mr. Daniel Taber
July 23, 2012
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With upward expansion, and as Mr. Leake has said, PLI would be able to, and would commit to, closure of the Landfill within a much shorter time. If outward expansion is the only course, then it is fair to say that the Landfill possesses many more years of active operations.

Thus, the specific points to be emphasized are that:

1. The height of the upward expansion would approximate that of the existing water tower (310 feet) and closure would be accomplished at the new height. It would not be closed at or near Lorton's 412 feet.

2. There would be no further lateral Landfill disturbance and operations, and the limits of landfilling would remain at the existing 39 acres in use, and not the 58 acres authorized in the Stipulation and Order.

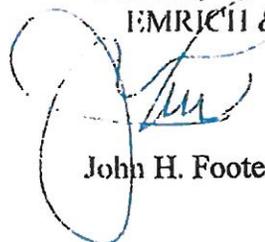
3. Final Landfill closure would occur fifteen years from the date of necessary approvals by the Town and DEQ.

4. As noted, the PLI property that would otherwise have been used for lateral Landfill expansion could be put to mutually agreeable development that, if the market so dictates, could commence before the fifteen years have expired.

PLI is motivated to reach agreement with the Town with regard to the points that have been raised with you and others, and we would respectfully request that detailed discussions with the Town be concluded no later than this coming November. PLI needs to know the direction that the Town wishes to go, so that it may make its business decisions accordingly.

Very truly yours,

WALSH, COLUCCI, LUBELEY,
EMRICH & WALSH, P.C.



John H. Foote

JHF/jf

cc: Dennis Leake
Burwin Reed

Sandra Leake Crippen Corporation (SLCC)

**Potomac Landfill
NOVA Waste Trucking**



**Potomac Recycling
Alexandria Waste Recovery**

Potomac Landfill Concept for Vertical Expansion

Prepared by Marvin E. Wilkins, P.E,
Dennis Leake, Burwin Reed and Larry Bertolet, P.E.



Potomac Landfill, 3730 Greentree Lane, Dumfries, VA 22026 703-690-6040

Potomac Landfill
Order of Presentation
for the Town Council Meeting of August 21, 2012

Letter, dated July 23, 2012, from, John Foote, of Walsh, Colucci, Lubeley, Emery & Walsh, PC.....1

Aerial Photograph of Potomac Landfill Showing Horizontal Expansion.....3

Finished 3:1 Slope, Typical Slope for Horizontal Expansion.....4

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Potomac Landfill Plat by B.C. Consultants, dated December 1, 1987.....16

Page 2 of the Grading Plan prepared by B.C. Consultants, dated December 1987.....17

Mechanically Stabilized Earth (MSE) Wall, Final Stage of Construction.....18

Mature MSE Wall, Fully Vegetated.....19



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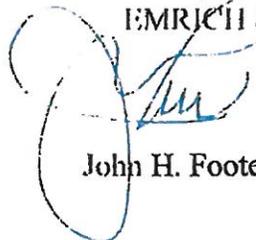
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EMRICH & WALSH, P.C.



John H. Foote

JHF/jf

cc: Dennis Leake
Burwin Reed

Potomac Landfill, Horizontal Expansion Concept Shown in Green



Finished 3:1 Slope, Typical for Horizontal Expansion



Sandra Leake Crippen Corporation (SLCC)

**Potomac Landfill
NOVA Waste Trucking**



**Potomac Recycling
Alexandria Waste Recovery**

**Circuit Court of Prince William County, Virginia
Stipulation and Order
Dated December 22, 1987**

Plaintiffs and Defendant now desire to resolve this action and all issues raised by the Petition and Demurrer without the time and expense of continued contested litigation, and for that reason have stipulated and agreed to the provisions set forth below.

This Stipulation and Order is entered into with the consent of the respective parties, as evidenced by the endorsement of their counsel of record, shall not constitute a finding on the merits of any of Plaintiffs' allegations in the Petition, or of Defendant's contentions in the Demurrer, and shall in no manner be construed as an admission of liability or culpability by Defendant.

NOW THEREFORE, it is ordered, stipulated, and agreed as follows:

1. The parties agree that immediately after the execution of this Stipulation and Order, the following requirements will be satisfied by each party: Defendant shall promptly post with the Town of Dumfries ("the Town") a Letter of Credit in a form acceptable to the Plaintiffs in compliance with the Town's Erosion and Sediment Control Ordinance. Plaintiffs shall promptly issue to Defendant all permits required under said Ordinance.

2. Defendant acknowledges and agrees to comply with the requirements of the Town's local license tax on gross receipts, so long as

(1) the tax shall comply with all of the requirements of Virginia Code §§58.1-3703 to 3706, inclusive, and

(2) the tax imposed on Defendant shall be identical in every respect to the tax imposed on other "repair, personal and

business service, and all other businesses and occupations not specifically listed or excepted in [§58.1-3706]," as provided in paragraph 4 of §58.1-3706.

Plaintiff acknowledges that the above restrictions are mandated by the Virginia Code. Defendant shall pay \$5,000.00 as full settlement of any and all taxes, levies, or fees owing for the calendar year 1987 and preceding years.

3. Plaintiffs will expeditiously review the Proposed Rezoning Plat of the Property dated December 11, 1987, showing zoning and permitted limits of landfilling, a copy of which is attached hereto ("Plat"), as a rezoning plan and decide upon the uses designated on said Plat. For the purposes of this paragraph 3, the term "Property" shall include any property transferred to Defendants and shall not include any property transferred to Plaintiffs under the terms of paragraph e. below. As is more specifically set forth on the Plat, the rezoning plan includes the following:

a. The portion of the Property comprising parcels 84, 85, 85A, the honeycombed portion of 141, and the western portion of Parcels 8C and 141A shall be rezoned M-1, Limited Industrial, except that no uses authorized exclusively by the terms of §§8-1-2 or 8-1-11 of the current Town of Dumfries Zoning Ordinance may be conducted. The eastern portions of Parcel 8C and 141A shall be rezoned B-1, General Business, as shown on the Plat. Parcel 12 shall remain zoned R-2.

b. The portion of the Property that may be used for landfilling of debris shall be all land owned by Defendant not zoned

or being proposed R-2 or B-1 or in the Buffer defined below, as designated on the Plat. With respect to this portion of the Property, the operation of a debris landfill is a permitted use. As shown, no debris will be filled within fifty (50) feet of the Property line ("the Buffer") in any of the landfill-designated portions of the Property. The parties acknowledge that it will be necessary to disturb and recontour some portions of the Buffer in order to allow for use of the fillable areas, but Defendants will take all reasonable steps to minimize the disturbance of trees in the Buffer. Disturbed areas in the Buffer will be reseeded and planted with evergreen trees to provide screening for adjacent properties as soon as weather conditions allow. The portion of the Property being rezoned B-1 may be used for landfill offices, roads, repair shops, parking, or other support facilities.

c. No building or other structure shall be erected or constructed within the Buffer, nor within two hundred (200) feet of the Property lines on the Property's southern border, western border (except that the 200' shall be measured from the eastern border of Parcel 12), and southern segment of the eastern border, all as shown on the Plat ("the Setback"). Erosion, sedimentation and stormwater management facilities may be erected or constructed within the Buffer.

d. The portions of the Property designated for use for landfilling of debris may be used, subject to the Buffer and the Setback, during the life of the landfill, for recycling facilities for tires, generally as described in Attachment A, if such facilities comply in all respects with State and Federal health,

safety, and environmental requirements and limitations. After the landfill is closed, such activities may be continued in the M-1 Zone only by obtaining a special use permit from the Town.

e. To assist the Town in achieving its goal of preserving historic sites, upon the request of the Town, Defendant shall convey to the Town that portion of Parcel 141A designated by striping on the Plat. If the Town exercises this right, the Town shall concurrently convey to Defendant the portion of Parcel 141 designated by honeycombing in exchange therefore. The Town and the public shall be granted a permanent right of vehicle access, to be located or relocated in Defendant's sole discretion, from Greentree Lane to Parcel 141.

f. Defendant shall not allow dump truck or semi-trailer truck ingress or egress onto the Property for any purpose from Duke Street, Washington Street, or Tripoli Street; all such ingress and egress shall be from Greentree Lane.

4. Plaintiffs shall use their best efforts to assist the Defendant in obtaining any and all approvals and permits from the Commonwealth of Virginia ("the State") required to allow the use and development of the Property in accordance with the Plat and the current Erosion and Sediment Control Plan or any subsequent Town-approved revision thereof, except that the Town need not actively support, but shall acknowledge its assent to and shall not oppose, a top elevation of 195 feet above Mean Sea Level (MSL).

5. If the proposed rezoning as set forth on the Plat and described in paragraph 3 hereof is not approved by the Town on or before March 1, 1988 for any reason, Defendant shall be automatically permitted to continue to use the Property as a debris landfill in accordance with the current Erosion and Sediment Control Plan or any subsequent Town-approved revision thereof, and the Town will not oppose such use either by direct action or by encouraging State opposition to such use. Plaintiffs agree that, with respect to this Property, such use has been established as a permitted use under the present zoning.

6. Plaintiffs shall consider for approval promptly after submission a revised Erosion and Sediment Control Plan reflecting (a) the changes in the area designated for use as a debris landfill as set forth on the Plat and in paragraph 3 hereof, (b) any requirements imposed by the State, and (c) a top elevation of 195 feet MSL (or such lesser top elevation imposed by the State.) Approval of such Plan shall not be unreasonably withheld, and landfill operations may continue in accordance with the current Erosion and Sediment Control Plan until such approval.

7. Subject to the terms of this Stipulation and Order, Plaintiffs do hereby release, acquit, and forever discharge Defendant, its agents, servants, employees, attorneys, successors and assigns, past or present, from any and all claims, violations, or causes of action of every name, nature or description, whether at common law, contract, statute or otherwise, known or unknown, which

Plaintiffs have or may have against Defendant arising out of any matter from any time in the past up to the date of the Stipulation and Order. Without limiting the foregoing, it is the intent of the parties that the previous sentence shall include all claims that could have been asserted against Defendant by Plaintiffs in this litigation.

8. The Petition is hereby dismissed with prejudice.

9. This Stipulation and Order shall be binding upon and inure to the benefit of the parties' successors and assigns.

10. The Court reserves and retains jurisdiction of this matter with respect to the enforcement of the parties' obligations pursuant to this Stipulation and Order.

THE TOWN OF DUMFRIES, VIRGINIA
AND
E. JOE LAMONT

POTOMAC LANDFILL, INC.

By: Robert W. Bendall
Robert W. Bendall
Smith and Davenport
P. O. Box 51
9253 Lee Avenue
Manassas, Virginia 22110

By: William V. Stauffer, Jr.
William V. Stauffer, Jr.
Kurt C. Rommel
Frank, Bernstein, Conaway
& Goldman
Suite 1000, North Tower
7799 Leesburg Pike
Tysons Corner, Virginia 22043

SO ORDERED.

Entered: December 22, 1987

/s/ Percy Thornton, Jr.
CIRCUIT COURT JUDGE

3589C
12/10/87

“Attachment A” to the Prince William County Circuit Court Stipulation and Order
Potomac Landfill Rubber Tire Recycling Facility

POTOMAC LANDFILL
DUMFRIES, VIRGINIA

Potomac Landfill is currently exploring the feasibility of installing a rubber tire recycling plant on the landfill premises. This paper briefly describes the basic features of the facility.

1. Materials Storage. The proposed facility will operate on a continuous-flow basis, with no long-term storage of tires or recycled product. Tires will be brought to the facility in semi-trailers and kept there prior to processing. Parking space for up to 10 semi-trailers for incoming tires and up to 4 semi-trailers for outgoing product will provide of the necessary storage capability. No tires or product will ever be stored outside.

2. Materials Processing. Recycling of tires begins with the unloading of tires from semi-trailers onto a loading dock for sorting. Those tires and tire carcasses that can be salvaged are separated from the others and immediately loaded into trailers for delivery to purchasers. The remaining tires are fed into a master chipper, which cuts the tires into pieces and feeds them into a cracker line. The cracker line reduces the tires to crumb rubber, steel bead wire, and cordage. The cracker line is driven by a slow speed electric motor turning large metal rollers that pull at the tires, breaking them into crumbs and exposing the metal and cordage. The metal is magnetically extracted from the cracker line and sold as scrap metal. The cordage is air evacuated from the cracker line floor area by a high speed fan and cyclone system. It is bagged and sold to mattress and pillow manufacturers as fill. The crumb rubber is bagged into 50 and 100 pound cardboard cartons into 2,300 pound fiberglass containers for immediate shipment to crumb rubber sales warehouses located on the east coast and the Ohio River basin.

3. Physical Facility. The rubber tire recycling plant will occupy approximately 4 acres, comprising a 7,000 square foot roofed plant area and parking for cars and trucks. The building will be designed for easy dismantlement upon completion of operations. The plant equipment is unitized, skid-mounted steel, which can be moved and reused elsewhere. The facility will be located on a part of the property otherwise available for landfilling and will be subject to the 200 foot setback and the 50 foot buffer and screening requirements contained in the proposed rezoning plat. Truck traffic of approximately 30 trips per day total will enter and exit only through the current landfill entrance, and will not use Duke, Washington, or Tripoli Streets.

ATTACHMENT A

4. Health, Safety, and Environmental Factors. Because the recycling process involves the physical reduction of the tires without heat or chemicals, the recycling facility will not produce any environmentally problematic residuals. No toxic chemicals or materials are generated or released. The only air pollutant is a small amount of dust, which will be controlled by fans and overhead dust collectors. Wash-down water will be trapped, filtered, reused to the extent possible and discharged to a septic tank. The total water usage will be approximately 300 gallons per day, about equal to the age of 2 residences. Noise levels will be quite low, and all equipment will be baffled and sound shielded to assure compliance with all State and Federal standards.

Fire hazard risks are minimal because only a small number of tires and material will be processed at any one time. The product line will contain less than 100 tires at a time, and this material will be spread out over a 150 foot process line carrying only 12-15 pounds of material per linear foot. An elaborate fire control system will smother any fire by excluding oxygen from the product line in order to put out fires without damaging the equipment. All electrical units are explosion-proof and shunt-sealed to contain any local fault.

5. Economic Impact. The proposed rubber tire recycling plant will involve a capital investment of almost \$2 million. Twelve employees will be needed initially, with employment increasing to 25 by the end of the first year and remaining at that level.

25B

10/23/87

**Mechanically Stabilized Earth (MSE) Wall
Final Stage of Construction**



Mature MSE Wall, Fully Vegetated

